

LAKE COUNTY BOARD of ADJUSTMENT
June 10, 2015
Lake County Courthouse Commissioners Office (Rm 211)
Meeting Minutes

MEMBERS PRESENT: Paul Grinde, Steve Rosso, Don Patterson, Frank Mutch

STAFF PRESENT: LaDana Hintz, Jacob Feistner, Lita Fonda

Paul Grinde called the meeting to order at 4:00 pm.

Steve offered corrections. On pg. 4 in the fifth line of the first full paragraph, 'different' changed to 'difference'. In the fifth line of the second full paragraph, 'onsite system' changed to 'onsite septic system'. In the next-to-last line of the third paragraph on pg. 6, 'remember was that' changed to 'remember that'.

Motion made by Don Patterson and seconded by Paul Grinde, to approve the May 13, 2015 meeting minutes as amended. Motion carried, 3 in favor (Paul Grinde, Steve Rosso, Don Patterson) and 1 abstention (Frank Mutch).

KAGECO CONDITIONAL USE—EAST SHORE (4:03 pm)

Jacob Feistner introduced Jeff Gallatin, the agent for the applicant, and presented the staff report. (See attachments to minutes in the June 2015 meeting file for staff report.)

Steve pointed to conditions to maintain the vegetative buffer on the west to mitigate the visual impacts of the extra height from the lake. Would a condition to maintain the dense vegetation on the north and south sides be appropriate? Jacob said they weren't required to do so outside the 50-foot buffer. Steve said it would mitigate for the extra height of the conditional use by lessening the visual impacts. LaDana noted the applicant owned the property to the south. Jeff said that Bill Caras (of Kageco) had no interest in cutting down the mature trees. LaDana supplied that the northern property was owned by the Rothes. Jeff commented that the Rothe project was underway and you couldn't see that place. Steve compared the 60-foot north setback to the 16-foot south setback and asked about the vegetation on the north side. Jeff said there were some trees. The brush and really thick part was from the property line and north. There was an approved gazebo in the 60 feet. Jacob pointed out that photo 1 in the staff report was looking north towards the property line. The stakes in the picture were for the front of the house on the lakeside.

Steve asked about attachments 4 and 5. Jacob explained that attachment 4 gave an idea of where it sat on the property. Attachment 5 gave the latest site plan. Contour interval was 2 feet. Steve asked if construction had been done or a driveway put in. Jeff Gallatin clarified the driveway would come in from the south property. The house was also forward so they wouldn't have to apply for a conditional use for disturbing slopes over 25%. LaDana reminded they could disturb 500 square feet.

Don said he lived above this on the east side of the road. It was pretty much as shown, with a lot of trees and brush. The road went down the hill with a couple of curves. One curved to the owner's side and one curved to the Robbins' side. The building site was at a pretty good area. You could hardly see it from the garage or work shed. It was further to the north.

Jeff spoke regarding the condition for the stormwater management. A2Z was working on it. Could they get the permit while that was in progress? LaDana explained they needed the plan first and the septic also needed to be finished. They needed everything to be wrapped up before they issued the permit. Jeff said he anticipated having the information from A2Z by the end of the week.

Jeff responded to Steve that the narrative on the request was from the owners. Given the 36-foot height was exposed on the west elevation for the full width of the house and that six additional feet was 20% of the 30-foot limit, Steve questioned that the height increase was insignificant.

Frank asked if photo #3 was the view the house would have of the lake. Jacob affirmed. Frank thought you wouldn't see much of the house from the lake with the trees there. Paul agreed. Jacob mentioned with some mature trees in front and with the slope behind, it would blend in. Jeff said the shop elevation was 50 feet above the house, so even the shop elevation was above the roof line. He thought it was 150 feet up to the highway. Don compared it to the Rothe property of last month. Jeff said they shot the elevation for the septic. Roberto shot it at 46 to 48 feet to the septic, which was right by the shop.

Discussion touched on the series of height-related BOA items recently, some as conditional uses and some as variances, and related concerns and thoughts.

Steve wanted to add something to condition #6 about maintaining vegetation on the north and south sides to mitigate visual impacts from adjacent properties, like the comment made about the west view. LaDana observed they had the buffer standards to pull from for the west side. On the other two sides, they really didn't have anything. She didn't want to get into making conditions that [the applicants] would have to come back and amend. She didn't want them to have to go to the Board for things like fire suppression.

Steve thought they could word it so it was 'soft' so thought would be given to landscaping on the north and south side, with the understanding that views needed to be mitigated, if the reason for mitigating the height was the view. When the regulations were first written, the reason could have had something to do with the rural fire department. If the reasons weren't there anymore, it changed the picture and the regulations might need amendment. If a reason was the community didn't want the view of a lot of tall buildings then mitigating that view would need to be done to satisfy the requirements for conditional use. Don clarified with Steve that he was saying to maintain the trees. Steve said the idea was the visual impacts needed to be mitigated for the neighbors and to encourage the landowner to keep that in mind as time went on. Don

said it was quite a distance from the south owner. The north owner, Rothe, was a little closer.

Frank didn't think they had the authority to expand conditions beyond the zoning regulations that were in place. He thought it was about aesthetics. For height variations, most of the people who put in these expensive places came and checked the rules before they started the design. You could build something with horrible aesthetics that fit within the permitted regulations. They needed to look at the whole picture. He didn't think they had the right to tell someone they couldn't clear their land on areas that hadn't been put in the regulations.

Paul checked with Jeff Gallatin for further comment for the applicant. He had none.

No members of the public were available to comment.

Steve felt that as a board member, he was in a position to represent the community. That was hard sometimes, because he didn't know why they didn't want buildings 36 feet high. If it was because of the look, he felt the Board was obligated to make sure they mitigated the view. If the reason was because they were concerned they couldn't fight a fire, that was an easy decision.

Paul observed there was nobody else here. There was no comment. LaDana noted the neighbors were given notice to comment. Essentially one neighbor here commented. No one submitted anything, even the neighbor to the north who might be most impacted. The regulations were inherited and [staff] didn't necessarily know what the intent behind it was. They did the best they could to come up with ways to mitigate. Paul said the 30-foot height was pretty standard in the zonings. Frank wondered about the fire ladder height. LaDana and Paul noted this property was covered by the Bigfork fire department. LaDana believed they received fire department comment for the April item for the structure next door that was essentially the same height, and [the fire department] had no concerns. They said to make sure the truck could get there.

Paul agreed that [height] probably should be looked at, so the issue didn't keep coming up. Steve said they should find out why people didn't want buildings over 30 feet.

Motion made by Don Patterson, and seconded by Frank Mutch, to approve the conditional uses with staff condition, analysis and findings of fact. Motion carried, all in favor.

OTHER BUSINESS (4:34 pm)

Paul Grinde, chair, adjourned the meeting at 4:35 pm.